

AMENDED IN ASSEMBLY JULY 28, 2004

AMENDED IN ASSEMBLY JUNE 30, 2004

AMENDED IN SENATE MAY 20, 2004

AMENDED IN SENATE APRIL 28, 2004

AMENDED IN SENATE APRIL 14, 2004

SENATE BILL**No. 1138**

Introduced by Senator Hollingsworth

January 20, 2004

An act to amend Sections 37700, 37701, 37702, 37703, 37704, 37706, and 37707 of, ~~to amend, repeal, and add Section 37700 of,~~ and to add Sections ~~37700.10 and 37710~~ 37710, 37711, 37712, and 37713 to, the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1138, as amended, Hollingsworth. School districts: four-day school week.

Existing law authorizes the Pacific Unified School District, the Leggett Valley Unified School District, and the Reeds Creek Elementary School District, to operate one or more schools in their districts on a 4-day school week, so long as the school district complies with specified requirements, including, instructional time requirements. Existing law requires the Superintendent of Public Instruction to reduce the base revenue limit per unit of average daily attendance of a school district that operates one or more schools in its district on a 4-day school week and provides less than 180 days of instruction, as specified.

This bill would extend that authorization and those ~~attending~~ requirements to the Borrego Springs Unified School District, the Julian Union Elementary School District, the Julian Union High School District, ~~and the Warner Unified School District, and.~~ *The bill would also extend that authorization and the requirements, until July 1, 2006, to the Jamul-Dulzura Union Elementary School District and the Marysville Unified School District. The bill would also authorize the superintendent to authorize 3 school districts with less than 12,000 average daily attendance to operate one or more schools on a 4-day school week. The bill would require the superintendent to monitor the Academic Performance Index scores of schools operating on a 4-day school week and notify the Assembly Committee on Education and the Senate Committee on Education if the 4-day school week appears to have a negative effect on those scores. The bill would revoke the authority of a school added by the bill to operate a 4-day school week if a school fails to meet its growth target on the Academic Performance Index.*

Existing law provides that a school district that operates one or more schools on a 4-day school week is entitled to the same support from the State School Fund that it would receive if it had operated pursuant to provisions relating to the 175-day school year.

This bill would condition that provision of support upon the requirement that a school district separately identify test scores and academic performance assessment information of schools operating on a 4-day school week.

This bill would declare that, due to the special circumstances applicable to the Borrego Springs Unified School District, the Julian Union Elementary School District, the Julian Union High School District, the Warner Unified School District, the Jamul-Dulzura Union Elementary School District, and the Marysville Unified School District, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 37700 of the Education Code is
2 amended to read:

37700. (a) Notwithstanding any other law, the Pacific Unified School District, the Leggett Valley Unified School District, and the Reeds Creek Elementary School District, ~~the Borrego Springs Unified School District, the Julian Union Elementary School District, the Julian Union High School District, the Warner Unified School District, and the Jamul-Dulzura Union Elementary School District,~~ may operate one or more schools on a four-day school week, if the school district complies with the instructional time requirements specified in Section 37701 and the other requirements of this chapter.

(b) If a school district operates one or more schools on a four-day school week pursuant to this section and the program provides less than the minimum instructional minutes required under Section 46201, the Superintendent of Public Instruction shall reduce the base revenue limit per unit of average daily attendance for that fiscal year in which the reduction occurs by the amount the school district would have received for the increase in the 1987–88 fiscal year base revenue limit per unit of average daily attendance pursuant to paragraph (6) of subdivision (b) of Section 42238, as adjusted in the 1987–88 fiscal year and fiscal years thereafter.

(c) A school district with an exclusive bargaining representative may operate a school on a four-day school week pursuant to this section only if the school district and the representative of each bargaining unit of the school district employees mutually agree to that operation in a memorandum of understanding.

~~(d) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.~~

~~SEC. 2. Section 37700 is added to the Education Code, to read:~~

~~37700. (a) Notwithstanding any other law, the Pacific Unified School District, the Leggett Valley Unified School District, the Reeds Creek Elementary School District, the Borrego Springs Unified School District, the Julian Union Elementary School District, the Julian Union High School District, and the Warner Unified School District, may operate one or more schools~~

1 on a four-day school week, if the school district complies with the
2 instructional time requirements specified in Section 37701 and the
3 other requirements of this chapter.

4 (b) ~~If a school district operates one or more schools on a~~
5 ~~four-day school week pursuant to this section and the program~~
6 ~~provides less than the minimum instructional minutes required~~
7 ~~under Section 46201, the superintendent shall reduce the base~~
8 ~~revenue limit per unit of average daily attendance for that fiscal~~
9 ~~year in which the reduction occurs by the amount the school~~
10 ~~district would have received for the increase in the 1987-88 fiscal~~
11 ~~year base revenue limit per unit of average daily attendance~~
12 ~~pursuant to paragraph (6) of subdivision (b) of Section 42238, as~~
13 ~~adjusted in the 1987-88 fiscal year and fiscal years thereafter.~~

14 (c) ~~A school district with an exclusive bargaining~~
15 ~~representative may operate a school on a four-day school week~~
16 ~~pursuant to this section only if the school district and the~~
17 ~~representative of each bargaining unit of the school district~~
18 ~~employees mutually agree to that operation in a memorandum of~~
19 ~~understanding.~~

20 (d) ~~This section shall become operative on July 1, 2006.~~

21 ~~SEC. 3.—Section 37700.10 is added to the Education Code, to~~
22 ~~read:~~

23 ~~37700.10.—Notwithstanding subdivision (a) of Section 37700,~~
24 ~~the Superintendent of Public Instruction may authorize three~~
25 ~~school districts with less than 12,000 average daily attendance to~~
26 ~~operate one or more schools on a four-day school week, as~~
27 ~~provided by this chapter.~~

28 ~~SEC. 4.—~~

29 ~~SEC. 2.~~ Section 37701 of the Education Code is amended to
30 read:

31 37701. The school district shall provide on an annual basis,
32 while operating a school on a four-day school week, not less than
33 560 hours of instructional time for kindergarten, not less than 700
34 hours of instructional time for grades 1, 2, and 3, and not less than
35 845 hours of instructional time for grades 4 to 12, inclusive. The
36 school district may exceed these minimum instructional times
37 except that no pupil in a kindergarten shall be kept in school more
38 than four hours in any day, exclusive of recesses. The school day
39 may not exceed eight hours, nor may the school week be less than
40 four days.

~~SEC. 5.—~~

SEC. 3. Section 37702 of the Education Code is amended to read:

37702. Prior to operating a school on a four-day school week, the school district shall secure the approval of the governing board of the district and of any collective bargaining agents representing employees of the school district.

~~SEC. 6.—~~

SEC. 4. Section 37703 of the Education Code is amended to read:

37703. A school site council in the school district shall be involved in the planning and evaluation of a four-day school week.

~~SEC. 7.—~~

SEC. 5. Section 37704 of the Education Code is amended to read:

37704. The school district shall consider the impact of the longer schoolday on primary grade pupils, and the impact of the four-day school week on working parents who may be required to find child care services for their schoolage children due to the shortened school week.

~~SEC. 8.—~~

SEC. 6. Section 37706 of the Education Code is amended to read:

37706. If a school district elects to operate a school on a four-day school week as authorized by this chapter, the school district shall be entitled to receive the same support, but not more support, from the State School Fund due to the average daily attendance at the schools within the school district that it would have received if the school district had been operating under the provisions of law relating to the 175-day school year, provided that test scores and academic performance assessment information concerning schools operating on a four-day school week shall be separately identified in reports of that data that are submitted to the department.

~~SEC. 9.—~~

SEC. 7. Section 37707 of the Education Code is amended to read:

37707. If the school district elects to operate a school on a four-day school week pursuant to this chapter, the reduced number of schooldays in the school district shall not affect the rights of

1 certificated or classified employees of the school district with
2 regard to classification, tenure, or notice, and shall not otherwise
3 affect the contract rights of the employees.

4 ~~SEC. 10. Section 37710 is added to the Education Code, to~~
5 ~~read:~~

6 ~~37710. The Superintendent of Public Instruction shall~~
7 ~~monitor the Academic Performance Index scores of schools that~~
8 ~~operate on a four-day school week as provided in this chapter, and~~
9 ~~shall notify the Assembly Committee on Education and the Senate~~
10 ~~Committee on Education if the four-day school week appears to~~
11 ~~have a negative effect on those scores.~~

12 *SEC. 8. Section 37710 is added to the Education Code, to*
13 *read:*

14 *37710. If any school operating a four-day school week*
15 *pursuant to Section 37711, 37712, or 37713 fails to achieve its*
16 *Academic Performance Index growth target pursuant to Section*
17 *52052, the authority of that school to operate a four-day school*
18 *week shall be permanently revoked commencing with the*
19 *beginning of the following school year.*

20 *SEC. 9. Section 37711 is added to the Education Code, to*
21 *read:*

22 *37711. Beginning in the 2004–05 fiscal year, the following*
23 *school districts in San Diego County may operate one or more*
24 *schools in their respective districts on a four-day school week if the*
25 *districts comply with the instructional time requirements specified*
26 *in Section 37701 and the other requirements of this chapter:*

27 *(a) Borrego Springs Unified School District.*

28 *(b) Julian Union Elementary School District.*

29 *(c) Julian Union High School District.*

30 *(d) Warner Unified School District.*

31 *SEC. 10. Section 37712 is added to the Education Code, to*
32 *read:*

33 *37712. (a) Beginning in the 2004–05 fiscal year, the*
34 *Jamul-Dulzura Union Elementary School District may operate*
35 *one or more schools in the school district on a four-day school*
36 *week if the district complies with the instructional time*
37 *requirements specified in Section 37701 and the other*
38 *requirements of this chapter.*

39 *(b) This section shall become inoperative on July 1, 2006, and*
40 *as of January 1, 2007, is repealed, unless a later enacted statute,*

1 *that becomes operative on or before January 1, 2007, deletes or*
2 *extends the dates on which it becomes inoperative and is repealed.*

3 *SEC. 11. Section 37713 is added to the Education Code, to*
4 *read:*

5 *37713. (a) Beginning in the 2004–05 fiscal year, the*
6 *Marysville Unified School District may operate a high school and*
7 *one other school in the school district on a four-day school week*
8 *if the district complies with the instructional time requirements*
9 *specified in Section 37701 and the other requirements of this*
10 *chapter.*

11 *(b) This section shall become inoperative on July 1, 2006, and*
12 *as of January 1, 2007, is repealed, unless a later enacted statute,*
13 *that becomes operative on or before January 1, 2007, deletes or*
14 *extends the dates on which it becomes inoperative and is repealed.*

15 *SEC. 12. The Legislature finds and declares that a special law*
16 *is necessary and that a general law cannot be made applicable*
17 *within the meaning of Section 16 of Article IV of the California*
18 *Constitution because of the unique circumstances surrounding the*
19 *Borrego Springs Unified School District, the Julian Union*
20 *Elementary School District, the Julian Union High School*
21 *District, the Warner Unified School District, the Jamul-Dulzura*
22 *Union Elementary School District, and the Marysville Unified*
23 *School District. The facts constituting the special circumstances*
24 *are the significant transportation costs incurred by those school*
25 *districts and the small size of those school districts.*

